

Remarks

The independent claims of the application (Claims 1 and 20), and most of the dependent claims acted upon, stand rejected as having been obvious to one of ordinary skill in the art over Vayda et al. (5,745,717) in view of Ishitani (5,367,625). Claims 11, 13, and 30 stand rejected as having been obvious over the same references, taken in view of Kinawi et al. (6,545,669). It is respectfully submitted that, giving due regard to the requirements of the claims, the rejections are readily seen to be without merit.

Firstly, it is a requirement of Claim 1 that:

... a desired symbol can be selected by detecting movement of the pointing device along a predetermined bearing within the communication region...

Vayda et al. disclose a system in which a desired symbol (such as EDIT, PRINT, TOOLS, SET-UP (see Figure 5)) can be selected by movement from a central region 504. As explained in relation to Figure 3, at column 7, lines 9-34, a highlighter 306 (506 in Figure 5) is placed at, or substantially at, focus position 304, and a slight movement of user input device 106 "snaps" highlighter 306 from focus position 304 to a command selector 308 (such as EDIT, PRINT, TOOLS, SET-UP) that appears in the radial direction most closely correlated to the movement of the user input device 106.

To this extent, it is acknowledged that Vayda et al. disclose selection of a desired symbol by detecting movement of the pointing device along a predetermined bearing within the communication region.

Secondly, it is a requirement of Claim 1 that:

... the predetermined bearing being substantially parallel to a direction of the desired symbol relative to a central region of the communication region within a tolerance determined by the angular separation of adjacent symbols...

According to Vayda et al., movement starts from the central region of the communication region and proceeds radially. Tolerance is explained at column 7, lines 19-26, and depends on the angular separation of the desired symbol (or command as referred to in Vayda et al.).

It is acknowledged that Vayda et al. disclose this requirement of Claim 1 in relation to movement which starts in the central region and which proceeds in a radial direction.

And thirdly, Claim 1 requires the predetermined bearing:

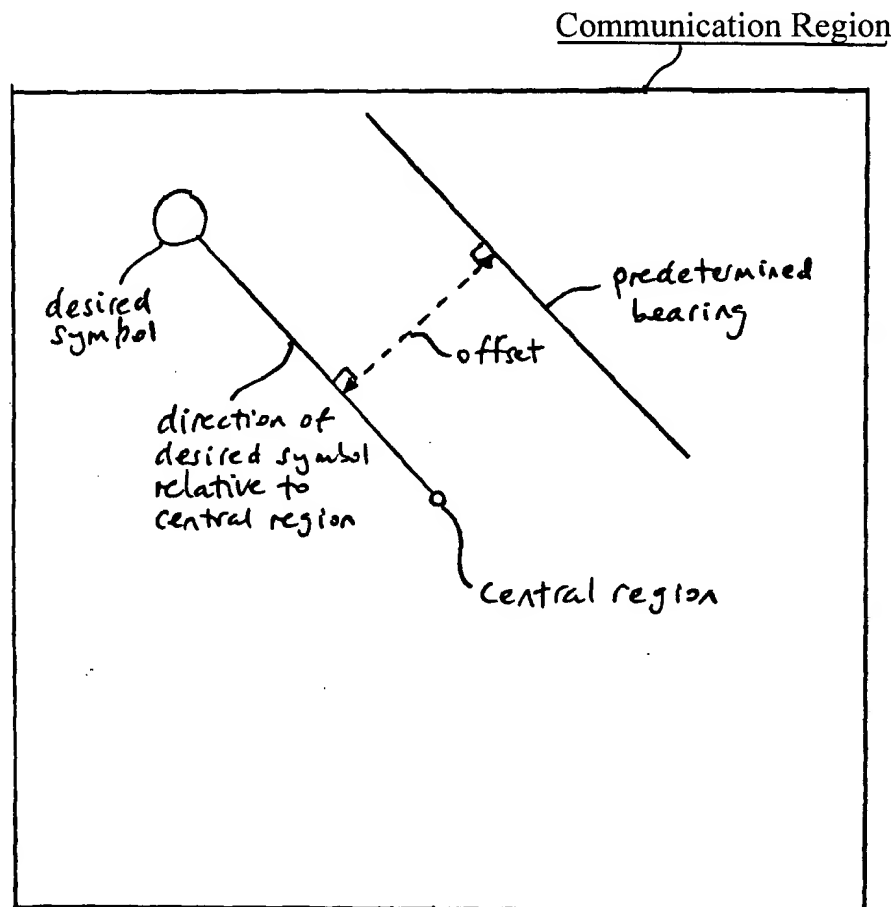
... being offset relative to the location of the symbol being selected...

That is, the term "offset" must be read in conjunction with the term "parallel."

Moreover, "tolerance" is different from "offset" in the claim, and "offset" is required in addition to "tolerance." The Examiner has however used the terms "tolerance" and "offset" in the final sentence on page 2 of the Office Action to denote the same feature of the claim, rather than separate features.

The question, then, is what does the term "offset" mean in relation to the term "parallel"? According to *Chambers 21st Century Dictionary* and *The Shorter Oxford English Dictionary*, the most relevant meaning of "offset" is given in relation to

surveying as "a short distance measured at right angles to a main survey line" (*Chambers*) or "a short distance measured perpendicularly from a main line of measurement" (OED). It follows that the predetermined bearing must be both substantially parallel to a direction of the desired symbol relative to a central region of the communication region, and must also be displaced a short distance along a line perpendicular to the said direction. Put briefly, the predetermined bearing must be displaced laterally of a line joining the central region and the desired symbol. This is illustrated in the following figure:



Consequently, although Vayda et al. disclose movement of a pointing device along a predetermined bearing, and that bearing is substantially parallel to a direction of the desired symbol relative to a central region within a tolerance determined by the angular separation of adjacent symbols, this is only due to the fact that the predetermined bearing in Vayda et al. always passes through the central region.

Given the technical meaning of "offset," as discussed above, there is no teaching and no suggestion in Vayda et al. of or for the predetermined bearing being offset relative to the location of the symbol to be selected, as required by Claim 1.

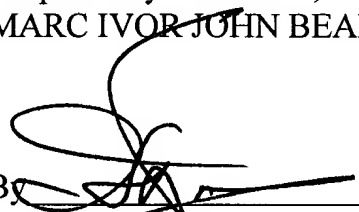
With regard to Ishitani, there is disclosure of a method for designating selection of displayed characters and figures utilizing a pointing device. A desired object is selected without positioning the point of a pointing device exactly on a selection object. This is accomplished in relation to Figure 8 by an initial mouse click, to define the upper left-hand corner of a rectangle, and the mouse is subsequently dragged to define the lower right-hand corner of the rectangle. In contrast to the prior art, figures partially within the rectangle are selected on the basis of an association degree (see column 11, line 44, to column 12, line 8). With Ishitani, the location of the pointing device is important because the location and dimensions of the rectangle determine the figures that can be selected. Consequently, and contrary to the Examiner's assertion, Ishitani does not disclose a system which is responsive to a user-controlled pointing device independent of the location at which movement along a predetermined bearing commences.

The foregoing facts and arguments apply equally as well to Claim 20; and obviously, Kinawi et al. cannot be deemed to cure the deficiencies of Vayda et al. and Ishitani. It is respectfully submitted that all claims of the application define an invention that is novel and patentable over the prior art.

A Petition for Extension of Time, together with a Form PTO-2038 authorization in the requisite amount of the official fee, is enclosed. Please charge any deficiency in the authorized amount, or credit any overpayment, to Deposit Account No. 502982.

Passage of the application to allowance is believed to be clearly in order. Such action is earnestly solicited.

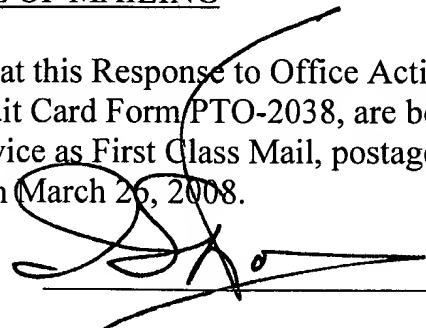
Respectfully Submitted,
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CERTIFICATE OF MAILING

I, IRA S. DORMAN, hereby certify that this Response to Office Action, Petition for Extension of Time (with copy) and Credit Card Form PTO-2038, are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed as set forth above, on March 26, 2008.



cc: Derek C. Jackson, Esq.
(Ref. No. P0434)